

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

John F. Nieszner,

Plaintiff,

Civil No. 08-130 (RHK/JSM)

vs.

**DISQUALIFICATION AND
ORDER FOR REASSIGNMENT**

Michael Chertoff, Secretary,
Department of Homeland Security
Agency,

Defendant.

The above-entitled matter has been assigned to the undersigned, a Judge of the above Court. Pursuant to Title 28, United States Code § 455, the undersigned recuses himself from hearing this matter. Accordingly,

IT IS HEREBY ORDERED, that pursuant to this Court's Assignment of Cases Order dated June 29, 2006, the above-captioned action shall be resubmitted to the Clerk of Court for reassignment. The Clerk of Court shall not replace a card in the Master Deck for the undersigned.

IT IS FURTHER ORDERED, that a copy of this Order shall be filed in the above-captioned case.

Dated: January 11, 2008

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge